

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony Moore,

Civil No. 12-607 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Leann K. Bertsch,

Defendant.

This matter is before the Court upon Plaintiff Anthony Moore's ("Plaintiff") *pro se* objections to Magistrate Judge Leo I. Brisbois's March 13, 2012 Report and Recommendation insofar as it recommends that: (1) Plaintiff's application for leave to proceed *in forma pauperis* ("IFP application") be denied; and (2) this action be summarily dismissed without prejudice.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation. While Plaintiff's objections are for the most part incomprehensible, he appears to contend that

Magistrate Judge Leo I. Brisbois has recommended dismissal of Plaintiff's otherwise meritorious lawsuits "solely based upon [Plaintiff's] status as a prisoner." (Doc. No. 4 at 4.) Such an allegation, however, in no way overcomes the Magistrate's finding that the Court lacks personal jurisdiction over the defendant in this matter. The Court concludes, as did Magistrate Judge Brisbois, that Plaintiff has failed to allege facts sufficient to establish personal jurisdiction in this case. Plaintiff's complaint is thus rightfully dismissed. *See Sanders v. United States*, 760 F.2d 869, 871-72 (8th Cir. 1985); 28 U.S.C. § 1915(e)(2)(B). Consequently, the Court denies Plaintiff's IFP application as moot.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Anthony Moore's *pro se* objections (Doc. No. [4]) to Magistrate Judge Leo I. Brisbois's March 13, 2012 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois's March 13, 2012 Report and Recommendation (Doc. No. [3]) is **ADOPTED**.

3. This action is summarily **DISMISSED WITHOUT PREJUDICE**.

4. Plaintiff's application for leave to proceed *in forma pauperis* (Doc. No. [2])
is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 22, 2012

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge